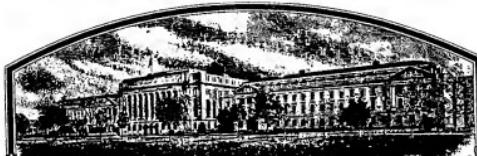


No.

200500069



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pioneer Hi-Bred International, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HERETO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR MURTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

SOYBEAN

'90M61'

In Testimony Whereof, I have hereunto set my hand
and caused the seal of the Plant Variety
Protection Office to be affixed at the City of
Washington, D.C. this fifteenth day of June, in
the year two thousand and five.

Attest:

Mark Kennedy

W.L. Johnson



REPRODUCE LOCALLY. Include form number and date on all reproductions.

Form Approved - OMB No. 0581-0005

| | |
|--|--|
| U.S. DEPARTMENT OF AGRICULTURE PLANT VARIETY PROTECTION SERVICE SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE | |
| APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE (Instructions and Information collection burden statement on reverse) | |

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.
Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

| | | |
|--|---|--|
| 1. NAME OF OWNER: Pioneer Hi-Bred International, Inc. | 2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME: X806104 | 3. VARIETY NAME: 90M61 |
| 4. ADDRESS: (Street and No., or R.R.D. No., City, State, and ZIP Code, and Country) 7350 N.W. 67th Avenue P.O. Box 1004 Johnston, IA 50131-1004 | 5. TELEPHONE (include area code) 515-254-2535 | 6. FAX (include area code) 515-253-2478 |
| 7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporate | 8. IF INCORPORATED, GIVE STATE OF INCORPORATION Iowa | 9. DATE OF INCORPORATION May 6, 1926 |
| 10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (Final person listed will receive all papers) Doris Schmidt, Ph. D. 7350 N.W. 67th Avenue P.O. Box 1004 Johnston, IA 50131-1004 | | |
| 11. TELEPHONE (include area code) 515-254-2536 | 12. FAX (include area code) 515-253-2478 | 13. E-MAIL: doris.schmidt@pioneer.com |
| 14. CROP KIND (Common Name) Soybean | | |
| 15. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) <ul style="list-style-type: none"> <input type="checkbox"/> X Exhibit A. Origin and Breeding History of the Variety <input type="checkbox"/> <input checked="" type="checkbox"/> X Exhibit B. Statement of Distinctness <input type="checkbox"/> <input checked="" type="checkbox"/> X Exhibit C. Objective Description of Variety <input type="checkbox"/> <input checked="" type="checkbox"/> X Exhibit D. Additional Description of the Variety (Optional) <input type="checkbox"/> <input checked="" type="checkbox"/> X Exhibit E. Statement of the Basis of the Owner's Ownership <input type="checkbox"/> <input checked="" type="checkbox"/> X Voucher Sample (2,000 viable untreated seeds or, for later harvested varieties, verification that source culture will be deposited and maintained in an approved public repository) <input type="checkbox"/> <input checked="" type="checkbox"/> X Filing and Examination Fee (\$2,700), made payable to "Treasurer of the United States" (mail to the Plant Variety Protection Office) | | |
| 16. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY IS SOLD AS A CLASS OF CERTIFIED SEED? (See Section 4(a) of the Plant Variety Protection Act) <ul style="list-style-type: none"> <input type="checkbox"/> NO (If "no", go to Item 22) <input type="checkbox"/> YES (If "yes", go to Item 22) | | |
| 17. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <ul style="list-style-type: none"> <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES: <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED | | |
| 18. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS? <ul style="list-style-type: none"> <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1, 2, etc. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED | | |
| 19. IF ADDITIONAL INFORMATION IS REQUIRED, PLEASE USE THE SPACE INDICATED ON THE REVERSE. | | |
| 20. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED BY THE VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U.S. OR OTHER COUNTRIES? <ul style="list-style-type: none"> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse) | | |
| 21. THE OWNER DECLARES THAT A VIABLE SAMPLE OR BREEDING MATERIAL OF THE VARIETY IS FURNISHED WITH APPLICATION AND WILL BE REFERENCED UPON REQUEST IN ACCORDANCE WITH SUCH REGULATIONS AS MAY BE APPLICABLE, OR IS A VIABLE PRODUCTION SAMPLE OF THE VARIETY PROVIDED WITH THE CERTIFICATE OF EXAMINATION. <p>The undersigned (name) (hereinafter the owner of this newly-registered or later-principled plant variety, and below)(c) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.</p> <p>Owner(s) (herein) informed that false representation herein can jeopardize protection and result in penalties.</p> | | |
| SIGNATURE OF OWNER <i>Doris H. Schmidt</i> | SIGNATURE OF OWNER | |
| NAME (Please print or type) Doris H. Schmidt | NAME (Please print or type) | |
| CAPACITY OR TITLE Director, Technology Integration and Associate Genetics | DATE 1-17-2005 | CAPACITY OR TITLE |

ST-470 (04-01) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STO-470 (02-99) which is obsolete. (See reverse for instructions and information collection burden statement)

200500069

INSTRUCTIONS

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety, at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture was deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,705 (\$300 filing fee and \$2,385 examination fee), payable to "Treasurer of the United States" (See Section 97.5 of the *Regulations and Rules of Practice*); (5) deposit of the variety in the PVPO for not more than 80 days from the date the application is filed; (6) payment of all other required fees and expenses; (7) all documents are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. DO NOT use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$320 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office
Telephone: (301) 504-5516

FAX: (301) 504-6291

Homepage: <http://www.usda.gov/science/pvpo/pvp.htm>

ITEM

8a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
(2) the details of subsequent stages of selection and multiplication;
(3) evidence of uniformity and stability; and
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified

8b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:

- (1) Identify these varieties and state all differences observed;
- (2) attach statistical data for characters expressive of variety and demonstrate that these are clear differences; and
- (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.

8c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.

8d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.

8e. Section 62(f) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.

8f. If "Yes" is specified (even if this variety is sold by variety name only, as a class of certified seed), the applicant MAY NOT reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See *Regulations and Rules of Practice*, Section 97.103.)

8g. See Section 83 of the *Act for the Contents and Term of Plant Variety Protection*.

8h. See Sections 41, 42, and 43 of the *Act* and Section 97.5 of the regulations for eligibility requirements.

8i. See Section 5.5 of the *Act* for instructions on claiming the benefit of an earlier filing date.

1. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

2. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety including any harvested material(s) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

3. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

7.5. Patent 4,940,835 issued to Shah et al. as per the Roundup Ready Gene in this variety

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. This fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the *Act*, and Sections 97.130, 97.131, 97.175(p) of the *Regulations and Rules of Practice*.)

To avoid conflict with other variety names in use, the applicant must check the variety names proposed by contacting: Saad Branch, AMS, USDA, Room 213, building 306, Beltsville Agricultural Research Center—East, Beltsville, MD 20705. Telephone: (301) 504-8089.
According to the *Plant Variety Protection Act* (Section 97.103), the name of the owner or assignee is required to appear on the certificate of registration. It displays a valid CRAB serial number. The valid CRAB serial number is required to file a claim for damages in the event of an infringement. The time required to receive this information is estimated to take 1-4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. It is prohibited to discriminate in employment on the basis of race, color, national origin, gender, disability, or age. USDA is an equal opportunity provider, employer and lender. USDA is an equal opportunity provider and employer.
IT-470 (04-01) designed by the Plant Variety Protection Office with WordPerfect 8.0a. Replaces BT-470 (02-05) which is obsolete.

200500069

Exhibit A. Origin and Breeding History of the Variety

Soybean Variety 90M61

Variety 90M61 evolved from a cross made in the winter of 1996/1997 in Chile with the following parentage:

9151/92B05*

*92B05 is a commercial variety with the Roundup Ready (40-3-2) gene

Variety 90M61 is an F4-derived line which was advanced to the F4 generation by modified single-seed descent. The F4 progeny row of 90M61 was grown in a plant row in the summer of 1999 in Minnesota. Subsequently, 90M61 has undergone five years of extensive testing and purification and has been observed by the breeder to be uniform and stable for all plant traits from generation to generation, with no evidence of variants. On the basis of yield, Phytophthora resistance, and resistance to Roundup labeled herbicides, variety 90M61 was assigned a commercial number.

The purification block was grown during the summer of 2002 in Minnesota and 55 sublines were harvested. An approximately three (3) acre increase was grown in Chile in 2002/03. One hundred twenty-six acres of parent seedstock (foundation seed equivalent) was grown in the summer of 2003. Approximately one thousand eight hundred (1800) acres of parent seedstock and production seed were grown in the summer of 2004.